

Response to Examiner's Response to Arguments in Office Action Dated 05/25/2010

In the present invention a user initiates a call *by selecting a service icon on a website*, then decides to whom they wish to speak. Next a username and password is entered to access the system to connect with the Service Provider, the user enters their phone number, and place 5 the call. A pop-up widow then provides the user with a rate for the call and account balance. The call is initiated and the system provides the connection means, settles the transaction amount, deducts fees, and provides payment to the Service Provider. Applicant has Amended claim 1 to remove the reference to a telephone as the user connects with a service provider using the recited Internet Platform.

10 With respect to claims 1 and 2, Applicant states on page 3 that "Applicant is reminded that individually, one cannot show non-obvious by attacking references individually where the rejections are based on combinations of references." Applicant is not attacking the reference individually, but in combination. Applicant's arguments are present for each cited prior art reference individually for ease of examination.

15 On page 3, Examiner reiterates that Applicant states "In contrast to Lurie 1, the present invention does not require the use of a single telephone device, which limits the teaching in Lurie 1 to a single voice message. The present invention does not utilize or include a voice mail option as there is no connection formed or based in response to a voice mail as taught by Lurie 1." Paragraph 32 of Faber teaches "Persons skilled in the art will recognize that the availability of 20 the service providers can be represented in a number of ways. FIGS. 7, 8, and 9 are representative of various alternatives. FIG. 7 represents availability with text messages (1300, 1310, 1320). FIG. 8 represents availability with colors 1330. FIG. 9 represents availability with geometric shapes 1340. Persons skilled in the art will recognize that the availability of the

service providers can be represented in a number of ways. FIGS. 7, 8, and 9 are representative of various alternatives. FIG. 7 represents availability with text messages (1300, 1310, 1320). FIG. 8 represents availability with colors 1330. FIG. 9 represents availability with geometric shapes 1340.” Applicant is not suggesting that Faber is only limited to voice message, but that Faber in combination with Laurie does not teach the present invention.

On page 3 of the office action the Examiner states that Applicant’s claim limitation “providing an Internet platform where said Internet Platform is an Internet-based system used to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet” includes claim limitations argued by the Applicant and that the Arguments do not comply with 37 CFR 1.11 (c) because they do not clearly point out the patentably novelty which the Applicant regards as their invention. It is the objective of the current invention to provide a system that will enable Users to contact Service Providers from various Internet interfaces by communications vehicles such as voice telecommunications. The User will choose to contact a Service Provider from an Internet-based icon located in an individual website, a directory website, an email, an online advertisement banner, or any other Internet User interface. Once a Service Provider is chosen, a pop-up window will appear telling that User if the Service Provider is available. If the Service Provider is available the system will connect the User with the Service Provider. If the Service Provider is unavailable the system will allow the User to send an e-mail to the Service Provider.

The current invention utilizes the Internet. The Internet comprises a vast number of computers and computer networks that are interconnected through communication links. The interconnected computers exchange information using various services, such as electronic mail, Gopher, and the World Wide Web ("WWW"). The WWW service allows a server computer

system (i.e., Web server or Web site) to send graphical Web pages of information to a remote client computer system. The remote client computer system can then display the Web pages. Each resource (e.g., computer or Web page) of the WWW is uniquely identifiable by a Uniform Resource Locator ("URL"). To view a specific Web page, a client computer system specifies the

5 URL for that Web page in a request (e.g., a HyperText Transfer Protocol ("HTTP") request). The request is forwarded to the Web server that supports that Web page. When that Web server receives the request, it sends that Web page to the client computer system. When the client computer system receives that Web page, it typically displays the Web page using a browser. A browser is a special-purpose application program that affects the requesting of Web pages and

10 the displaying of Web pages. (see paragraph 12 of the present application)

The claim limitations presented in the current application, specifically the claim limitations directed toward the Internet Platform and its corresponding processes is what applicant regards as his invention. The system provides a more efficient practical and functional method to enable Users to contact Service Providers for expert advice and Service Providers to

15 promote and offer their services to and transact their services with consumers than the current art. (see paragraph 13 of the present application). The prior art does not teach or suggest this limitation.

With respect to claims 18 and 19, Applicant still contends Penfield does not teach or suggest use within a system of multiple providers with varying call rates or the use of various

20 Service Providers. Penfield is directed to "a system of rating and debiting complex debit card calls. Also, there is a need for a system that coordinates call rating and debiting functions for all calls for a given subscriber to ensure that the charges incurred do not exceed the available

balance in the subscriber's account. And finally, there is a need for these capabilities in real time." See Col. 1, ll. 35-42.

As previously present as argument, Penfield at Col. 3, ll 18-21 does suggest that variable rates could be used, but the preferred invention of Penfield does not describe this use and a variable
5 rate is only mentioned in passing and the use of variable rates associated with a plurality of Service Provides is neither taught nor suggested for the billing system of Penfield to be used in combination with either Lurie 1 or Olshansky.

Rejections Under 35 USC 103

A prima facie case of obviousness is established when an examiner provides:

1. one or more references
2. that were available to the inventor and
3. that teach
4. a suggestion to combine or modify the references,
5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

10 Accordingly, an applicant who is able to prove that the Examiner has failed to establish any one of these elements will prevent the prima facie case of obviousness from being established.

15 Claims 1-8, and 10-17 stand under 35 USC 103(a) as being unpatentable over Faber (US 2002/0010608) in further view of Lurie 1, et al. (U.S. 7,289,623), hereafter referred to as ‘623 or “Lurie 1”.

With respect to claims 1-8, and 10-17, Examiner cites Lurie 1, stating that it discloses a method of connecting two parties in real time.

20 With respect to claim 1, Applicant has previously amended claim 1 to include the claim limitations for providing an “Internet platform” providing the communication means as well as the transaction settlement functions between the parties.

With respect to claim 1, previously amended to include the claim limitation previously found in claim 9, the present invention includes the specific limitation of “prompting said User to send an email to the Service Provider if Service Provider is busy or unavailable”.

25 Lurie 1 and Lurie 2 (previously cited by the Examiner) disclose a method and apparatus for ensuring a real-time connection between users and selected service providers using voice mail.

The Lurie systems enable seekers of a wide array of services to select, contact, converse, and pay

for a service provider *using a communications device such as the telephone*. A seeker locates a service provider by providing the name of a profession, which is recognized by the system's software. Once a service provider is selected, the system connects the seeker with the service provider for a live conversation. However, during service provider unavailability, the system
5 enables the seeker to leave a voice mail message for the service provider and reconnects the user and service provider once the message is reviewed by the service provider. The systems automatically bill the seeker for the time spent conversing with the service provider and compensates the service provider.

In the present invention a user initiates a call by selecting a service icon on a website,
10 then decides to whom they wish to speak. Next a username and password is entered to access the system to connect with the Service Provider, the user enters their phone number, and place the call. A pop-up widow then provides the user with a rate for the call and account balance. The call is initiated and the system provides the connection means, settles the transaction amount, deducts fees, and provides payment to the Service Provider.

15 The present invention is a hosting platform for independent advisors and/or agents who build a group of advisors that can then provide advice to users. The platform also provides means for communication and payment settlement.

Additionally, with respect to claim 1, Applicant has previously amended the claim to include the specific limitation describing that the email is integrated with the Internet platform.
20 In the present invention, if the Internet platform detects that the service provider is unavailable, it alerts and notifies the User to send an email to the Service Provider, as not claimed. The alert and email prompt is integrated into the Internet platform and is triggered in the event of an

unavailable Service Provider, Examiner is correct in this understanding that the alert and email is an alternative to the call be initiated.

Examiner cites Faber paragraph 9-12 and Fig. 7 as teaching the alerts and emails. In fact the term “email is not found in the text of Faber and only in two unrelated figures for account set up. Paragraph 9 of Faber does suggest sending messages between parties “If a service provider is not available to speak with customers at that moment, the customers can send a message to the service provider through the web site.” (P. 9 of Faber)

Applicant has also previously amended claim 1 to include the limitation “providing an Internet platform wherein said Internet platform is an Internet-based system used to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet;” which properly amends the claims to include the limitations argued by Applicant.

In view of Applicants current and previous amendments to the claims, Withdrawal of this rejection is respectfully requested.

With respect to Claim 2, Applicant disagrees that Lurie 1 teaches having a pop-up window prompting a user to enter their phone number to make a connection. Laurie teaches a communications network providing speech communication such as a switched telephone network, *but not a network for making a connection and carrying anything more than speech*. Lurie 1 requires the customer information so that is can use the customer information such as a phone number or ID to access database information on a computer about the customer (‘149 Col. 6, ll157-60). Here Lurie 1 fails to teach the claim limitation of the present invention. Examiner did not make this assertion in the first office action choosing to combine Laurie 2 with another prior art document to teach this limitation, and again fails to show its teaching in Laurie alone.

With respect to claim 2, Applicant has previously amended claim 1 and now claim 2 to explicitly include the Internet platform, which provides means “to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet” and “for making a connection and transferring speech and text”.

5 In view of Applicants previous and current amendments to the claims, Withdrawal of this rejection is respectfully requested.

With respect to Claims 3-17 Applicant relies on the arguments present for claims 1 and 9 above, from which Claims 3-17 all depend. Withdrawal of this rejection is respectfully requested.

Claim 18 stands rejected under 35 USC 103(a) as being unpatentable over Laurie 1 in
10 further view of Penfield, et al, (6,508,173) and Olshansky (U.S. 6,493,437).

In the present invention a user initiates a call *by selecting a service icon on a website*, then decides to whom they wish to speak. Next a username and password is entered to access the system to connect with the Service Provider, the user enters their phone number, and place the call. A pop-up widow then provides the user with a rate for the call and account balance.

15 The call is initiated and the system provides the connection means, settles the transaction amount, deducts fees, and provides payment to the Service Provider. Applicant has Amended claim 1 to remove the reference to a telephone as the user connects with a service provider using the recited Internet Platform.

In the present invention a user initiates as call by selecting a service icon on a website,
20 then decides to whom they wish to speak. Next a username and password is entered to access the system to connect with the Service Provider, the user enters their phone number, and place the call. A pop-up widow then provides the user with a rate for the call and account balance.

The call is initiated and the system provides the connection means, settles the transaction amount, deducts fees, and provides payment to the Service Provider.

Applicant has previously amended claim 18 to depend on claim 1 to clearly recite and claim a computer network as opposed to a telephone network, which is argued by Applicant in 5 view of the cited prior art.

Applicant concedes that Penfield teaches a method for determining the total minutes a User can make on a given phone call, based on their account balance or debit/credit card balance in existence to make immediate payment without resulting in an outstanding balance owed to a provider.

10 Penfield does not teach the claim limitations for

- “extracting Service Provider per minute compensation rate from a System Database”
or
➤ “determining total minutes said User can connect to a Service Provider until said User’s account balance reaches zero”.

15 Penfield does not teach or suggest use within a system of multiple providers with varying call rates or the use of various Service Providers. Penfield is directed to “a system of rating and debiting complex debit card calls. Also, there is a need for a system that coordinates call rating and debiting functions for all calls for a given subscriber to ensure that the charges incurred do not exceed the available balance in the subscriber’s account. And finally, there is a need for these 20 capabilities in real time.” See Col. 1, ll. 35-42.

Penfield at Col. 3, ll 18-21 does suggest that variable rates could be used, but the preferred invention of Penfield does not describe this use and a variable rate is only mentioned in passing and the use of variable rates associated with a plurality of Service Providers is neither

taught nor suggested for the billing system of Penfield to be used in combination with either Lurie 1 or Olshansky.

With respect to Olshansky, Examiner admitted in the Office Action with a mailing date of December 7, 2007 on page 9 that:

- 5 ➤ “Olhansky does not explicitly teach dividing the User account balance by the Service provider per minute compensation rate.”
- “Olhansky does not explicitly teach determining total minutes said User can connect to a Service Provider until said User’s account balance reaches zero.”
- “Olshansky does not explicitly teach :extracting Service Provider per minute 10 compensation rate from System Database”.

Examiner’s own words make the possibility of an obviousness rejection impossible under 35 USC 103(a) as Olshansky fails to teach three claim limitations (element 3 of a proper 103 rejection) and the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art (element 5 of a proper 103 15 rejection).

In the present invention as well as Lurie 1 and Faber, both parties, the user and service provider both have a desire to be connected and the service provider does not need information retrieved based on the caller’s id, the user would have the information provide to them ahead of time or directly by the user in a confidential manner to have their questions answered or receive 20 the advices they are seeking.

Examiner states that “one of obvious of ordinary skill in the art would have been motivated to combine the teachings of Faber and Lurie 1 with Penfield, Olshansky to properly determine how long a user can connect to a service provider and provide a graphical interface

displaying real-time information of a user account balance for merely enhancing the interaction is unsustainable. The service providers have a specialty area and are offering their knowledge and information or advice in that area to user who are seeking it, they are not looking to sell a user additional services to make the system more money and would be un-interested in such

5 additional information. There is no motivation to combine the teachings of Lurie 1 and Faber with Penfield and Olshansky. In view of Applicant's previous and current amendments to the claims. Withdrawal of this rejection is respectfully requested.

Claim 19 stands rejected under 35 USC 103(a) as being unpatentable over Faber, Laurie 1, Penfield, Olshansky, and Ling. Examiners states that "one of obvious of ordinary skill in the

10 art would have been motivated to combine the teachings of Faber, Lurie 1, Penfield, and Olshansky to Ling to allow the user to have an easily accessible way of being able to add funds to their accounts is unsustainable. The service providers have a specialty area and are offering their knowledge and information or advice in that area to user who are seeking it, they are not looking to sell a user additional services to make the system more money and would be un-

15 interested in such additional information. Further more, Ling is direct to systems and methods for conducting electronic commerce using electronic tokens. The present invention does not teach, suggest, or use token or any other currency replacement in any way. There is no motivation to combine the teachings of Lurie 1, Faber, Penfield and Olshansky with Ling as neither Lurie 1, Faber, Penfield nor Olshansky teach, suggest of use tokens or any other currently

20 replacement during their transaction processes. Withdrawal of this rejection is respectfully requested.

Additionally, with respect to claim 19, Applicant relies on the arguments present for claim 18 above, from which Claim 19 depends. In view of Applicant's previous and current amendments to the claims, Withdrawal of this rejection is respectfully requested.

CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

In the event that an extension of time is required, or may be required in addition to that
5 requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely.

Respectfully submitted,

/Matthew TWelker/

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